

September 11, 2002

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To: Commissioner of Patents and Trademarks

Washington, D.C. 20231

Attn: Art Unit 2823 - William Coleman

From: George O. Saile, Reg. No. 19,572

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Poughkeepsie, N. Y., 12603

Subject: Serial No.: 09/863,223 05/24/01

Chung-Shi Liu

PREVENTION OF POST CMP DEFECTS IN
CU/FSG PROCESS

Art Group: 2823 William Coleman

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction or Election Requirement in the Office Action dated 08/27/02. In that Office Action, restriction was required to one of two stated

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on September 11, 2002.

George O. Saile, Reg.# 19572

Signature/Date George O. Saile 9/11/02

Inventions under 35 U.S.C. 121. The Inventions stated are Group I - Claims 1-12 to a process, classified in Class 438, subclass 672 and Group II - Claims 13-22 to a semiconductor device, classified in Class 257, subclass 618+.

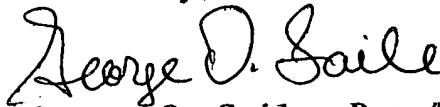
Applicant provisionally elects to be examined the Invention described by the Examiner as Group I - Claims 1-12 drawn to a process classified in Class 438, subclass 672. This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action. The Examiner gives the reason for the distinctness of the two inventions as (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). However, upon reading the product Claims against the process Claims one can readily see that the product Claims are directed to "a filled via hole in a layer of FSG" and the process Claims are directed to "a process for filling a via hole in a layer of FSG, having an upper surface", it is necessary to obtain claims in both the product and method claim language. The method Claims necessarily use the product and vice versa. The field of search must necessarily cover both the method class/subclass 438/672 and products class 257/618+ in addition to other related Classes

and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "In the instant case the product as claimed can be made by another and materially different process. For example, selective formation of the s USG and FSG layers can replace patterning and then etching said USG and FSG layers", is very speculative and really has nothing to do with the Claims as presented in this Patent Application. Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of a second Patent Application upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested.

Sincerely,



George O. Saile, Reg.# 19572